REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1.   Amendments to Claims

Claims 16, 17, 19, and 20 have been canceled.

New claims 27 and 28 correspond to software claim 18, but are directed to a method and to a processor (cancelled claims 16 and 17 were also respectfully directed to a method and to a processor)..

New claim 29 corresponds to allowable claims 21 and 22, but is directed to a method (clams 21 and 22 are respectively directed to a processor and software).

New claims 30-32 are directed to a method, a processor, and software that include limitations a, b, and e of claims 21 and 22, namely checking whether a task is time sensitive and scheduling the task after a second task if it is not time sensitive. The time sensitivity feature was indicated as allowable on page 6 of the Official Action with respect to original claim 20 (now canceled). Paragraph [20] of the original specification provides explicit support for separate claiming of the non-time sensitive task deferral feature.

2.   Rejection of Claims 16-19, 21, and 22 Under 35 USC §112, 1ˢᵗ Paragraph

This rejection has been addressed by **cancelling claims 16, 17 and 19**, which improperly recited that the selected task for simultaneous scheduling is located in the *job queue* combined with a first task, and that the first task is then replaced by the combined task. The selected task is instead selected from the **work queue** and combined with the first task for inclusion in the job queue, as illustrated in Fig. 1.

However, the rejection is respectfully **traversed** with respect to claims 18, 21, and 22, which properly recite that the selected task is located in the **work queue** and combined for scheduling. These claims do not recite location of the selected task in the job queue or replacing the initially scheduled first task with the combined task. Accordingly, it is respectfully submitted that the rejection under 35 USC §112, 1st Paragraph be withdrawn with respect to claims 18, 21, and 22.

3.   Rejection of Claims 16-19 Under 35 USC §103(a) in view of U.S. Patent Publication No. 2003/01917595 (Bernadin) and Derwent Acc. No. 2000-079595 (Derwent)

This rejection has been rendered moot by the cancellation of claims 16, 17, and 19, except with respect to claim 18. The claim rejection of claim 18 in view of the Bernadin and Derwent publications is respectfully traversed on the grounds that neither the Bernadin nor Derwent publications discloses or suggests selecting a same or higher priority task that can be performed simultaneously with a first task, as recited in claim 18 (and new claims 27 and 28), and combining the task for scheduling.

The Derwent publication discloses a "**priority modification**" unit that raises priority in order to perform simultaneous execution of threads. There is no suggestion of first checking whether the thread whose priority is being raised is actually capable of being executed simultaneously, and no suggestion of search same priority threads capable of simultaneous execution. Rather, Derwent appears to simply assume that lower priority threads can be executed simultaneously and that there are no same priority threads that should be executed simultaneously before the lower priority thread's priority is raised. In contrast, the claimed invention specifically makes sure that selected tasks in fact are capable of simultaneous processing, before combining them in the job queue, and at least initially looks for tasks of the same priority rather than simply seeking to raise the priority of a lower-priority thread.

Because the method disclosed in the Derwent publication fails to check whether tasks in fact *can* be performed simultaneously, or to consider tasks of the same priority, and because the

Bernadin publication merely teaches the concept of priority scheduling and does not even remotely suggest combining tasks that can be simultaneously scheduled, it is respectfully submitted that the claims as currently amended are patentable over the proposed combination, and withdrawal of the rejection under 35 USC §103(a) is respectfully requested..

4.   Allowability of Claims 21 and 22

These claims are indicated as allowable on page 6 of the Official Action, subject to the rejection under 35 USC §112, 1st Paragraph.   Since the rejection under 35 USC §112, 1st Paragraph is improper with respect to claims 21 and 2, as explained above, it is respectfully submitted that these claims should be allowed.

5.   New Claims 27-32

New claims 27 and 28 are allowable for the same reasons as claim 18 (a traversal of the rejection of claim 18 is set forth above).

New claim 19 is allowable for the same reason as claims 21 and 22 (which have already been indicated as allowable).

New claims 30-32 are allowable for the same reasons as original claim 20, *i.e.*, because deferral of non-time sensitive task scheduling is not discloses or suggested in any of the references or record.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,
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